

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

LATONYA WILLIS,

Plaintiff,

v.

Case Number 06-13686-BC  
Honorable Thomas L. Ludington

VALLEY RESIDENTIAL SERVICES,

Defendant.

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**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION,  
GRANTING DEFENDANT'S SECOND MOTION FOR SUMMARY JUDGMENT, AND  
DENYING AS MOOT PLAINTIFF'S MOTION TO COMPEL AND DEFENDANT'S  
FIRST MOTION FOR SUMMARY JUDGMENT**

This matter is before for the Court on a report issued by Magistrate Judge Charles E. Binder on March 24, 2008. The magistrate judge recommended that the Court grant Defendant Valley Residential Services' motion for summary judgment. None of the parties to this action filed objections to the report and recommendation. A party's failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

The Court notes that Defendant filed two motions for summary judgment [Dkt. # 40, 43]. These motions for summary judgment appear identical and magistrate judge concluded that the motion was docketed twice due to a procedural deficiency. *See* Dkt. # 46 at 4 n.2. The magistrate judge's report relied on the second motion for summary judgment [Dkt. # 43]. Thus, the Court will deny the first motion for summary judgment as moot. Additionally, the Court will adopt the

magistrate judge's recommendation to deny Plaintiff's motion to compel [Dkt. # 36] as moot. *See* Dkt. # 46 at 1 n.1.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [Dkt. # 46] is **ADOPTED**.

It is further **ORDERED** that Defendant's second motion for summary judgment [Dkt. # 43] is **GRANTED**.

It is further **ORDERED** that Defendant's first motion for summary judgment [Dkt. # 40] and Plaintiff's motion to compel [Dkt. # 36] are **DENIED** as moot.

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

Dated: April 22, 2008

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on April 22, 2008.

s/Tracy A. Jacobs  
TRACY A. JACOBS